

# **Exhibit D**

## Election

# Defective Ballots Mailed to New York City Voters, Prompting Confusion

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The foul-up was briefly addressed on Tuesday at a Board of Elections meeting, as Mr. Ryan, a Democrat, said the error was limited to "one print run." He said the vendor would bear the cost of sending out new ballots to all potentially affected voters.

"It is essential that confidence be established in this process and that we make certain that all of the voters who potentially have a problem have a full and fair opportunity to remedy that problem," Mr. Ryan said.

Officials also encouraged voters to email or call a hotline if they received an erroneous ballot. But phone lines already appear to be jammed. Two voters who called on Monday reported being 65th and "80-something" in line.

Merrily Rosso, who lives in the Bushwick neighborhood of Brooklyn, received an absentee ballot on Monday with a stranger's name on it. She looked him up and discovered that he lived nearby. Concerned, she called the Brooklyn Board of Elections twice. The first time, they hung up. The second time, the phone just rang.

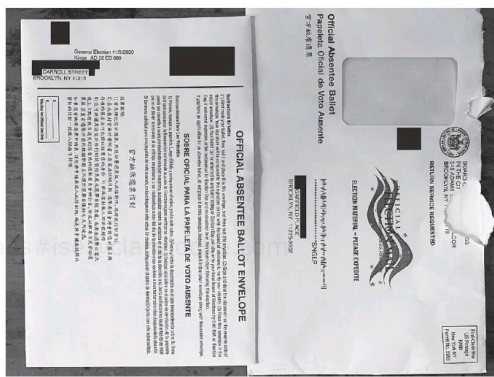
So she called the New York City Board of Elections. There were roughly 50 callers ahead of her in line. She hung up.

Rich Rotondo, a resident of the Cobble Hill neighborhood of Brooklyn who works as a project manager for the city, said that he and his partner got ballots with the wrong information on them.

Curious if their neighbors were having a similar experience, they stopped someone who lives in their building and asked him to open his absentee ballot.

"And he opened it up and his was wrong," Mr. Rotondo said.

Stephanie Saul contributed reporting.



Scores of people, mostly in Brooklyn, reported receiving absentee ballots with mismatched names and addresses between the outer and return envelopes. (Personal information has been redacted.)

"Nobody has the right one."

Michael Weiss, a musician who lives in Park Slope, Brooklyn, said the ballot mailed to his partner had someone else's name on it. He walked it over to the person listed on the ballot.

She opened her mail to find another neighbor's ballot in her envelope, which I took and hand delivered to him around the corner. Of course he also received someone else's ballot in the mail," Mr. Weiss said.

Phoenix Graphics, a family-owned firm that prides itself on "ability to deliver a high-quality product on time and within budget," has worked with the city

Board of Elections since at least 2010, according to city records, including during the June primaries. The company's \$4.6 million no-bid contract — which the board awarded under an emergency procurement in June — lasts through the end of the year.

Sai DeBaise, the company's president and chief executive, did not reply to multiple requests for comment.

Wrong ballots signed by voters will be invalid. Voters who unwittingly sign erroneous ballots will still be able to vote — via a second ballot, or in person, according to

Sarah Steiner, an elections lawyer. She added that in-person votes cancel a voter's absentee ballot.

"I'm worried because anything that confuses voters at this point or makes them leery of voting or suspicious of the process is damaging to democracy," Ms. Steiner said.

Douglas Kellner, co-chair of the New York State Board of Elections, said he had received reports of the problems in the city, as well as far more isolated problems in Nassau County, where he is aware of only three affected ballots.

"The downside of introducing widespread absentee balloting is

that, once the Boards of Elections start contracting out the process of mailing, then they lose quality control and direct supervision of what goes on," Mr. Kellner, a Democrat, said in an interview. "This is a good example of the problem."

Melissa DeBosa, the secretary to Gov. Andrew M. Cuomo, criticized the Board of Elections during a news conference on Tuesday. "To say that we're troubled by this is the understatement of the year."

The printing error comes on the heels of a June primary election that was riddled with problems in New York.

Overwhelmed by an avalanche of mail-in ballots — 40 percent of voters sent absentee ballots compared with just 4 percent in previous years — election officials spent more than a month counting ballots in some closely watched congressional races.

Tens of thousands of absentee ballots, especially in Brooklyn, were also disqualified because of technical issues like missing postmarks, a missing signature or an improperly sealed envelope.

State officials have taken some steps to address those problems ahead of the November election, implementing reforms to allow voters to fix errors with their ballots and expanding options for voters to physically drop off their absentee ballots at early polling sites and election offices.

Officials are also encouraging people to vote in person at early poll sites, which open statewide on Oct. 24 and are expected to have shorter lines than Election Day poll sites, to avoid overwhelming the Postal Service and election boards with mail-in ballots.

State election officials are expecting more than five million absentee ballots in the presidential election, or four times the number

received in June, and some have already warned that results might not be known until early December.

"I'm disappointed to say the least," said Matt Eytanberg, a resident of the Boerum Hill neighborhood of Brooklyn who got the

## A new error on the heels of a problematic June primary.

wrong ballot on Monday. "There's so much stress around this election, as I'm very sure you are aware. They're really testing the mettle of absentee voting, for sure, and it's not a good start."

Some voters have also expressed frustration about postage.

While the executive order that expanded mail-in voting for the June primaries required election boards to provide prepaid postage on ballot envelopes, there are no such requirements for the general election. This time around, voters in New York City must apply their own postage before mailing their ballots.

The ballot contains other errors, too. It instructs voters to "mark the oval to the left" of their choice, even though the ovals are actually above candidates' names. There has also been some confusion surrounding a misleading label printed on mail-in ballots that reads: "OFFICIAL ASSEMBLY MILITARY BALLOT."

On Monday, the Board of Elections clarified that all absentee ballots, regardless of whether the voter was in the military, included that label, and that the ballot was correct.

## Schiff Sees Disinformation Rise With Trump's Attacks

By JULIAN E. BARNES

WASHINGTON — American intelligence officials have seen an uptick in Russian disinformation about mail-in ballots as President Trump has escalated his attacks on voting by mail, Representative Adam B. Schiff, the Democratic chairman of the House Intelligence Committee, said in an interview.

American intelligence agencies have not explicitly linked the increase in Russian disinformation operations to the president's comments. They would not make such a link without specific intelligence about the Kremlin's marching orders. Intelligence and other officials acknowledged that Russia always focuses its disinformation efforts on existing controversies to amplify ongoing arguments.

Mr. Trump's false assertions have also fueled the spread of misperceptions about widespread mail-in voting. Experts have repeatedly said absentee voting is secure, and there was little public controversy over it until the president began his attacks.

After Mr. Trump began stepping up his criticism of mail-in voting, Mr. Schiff, Democrat of California, asked the intelligence agencies he has oversight over to track any rise in Russian disinformation efforts.

"Sure enough, it wasn't long before the intelligence community started seeing exactly that," Mr. Schiff said. "It was too enticing and predictable an option for the Russians. They have been amplifying Trump's false attacks on absentee voting."

Intelligence officials have said

they have seen no attempts by the Russians or other foreign powers to interfere with mail-in voting, spread fake ballots or change absentee vote counts.

Last week, Christopher A. Wray, the F.B.I. director, told lawmakers he saw no coordinated voter fraud effort. He has also warned about Russian disinformation efforts aimed at benefiting Mr. Trump's re-election.

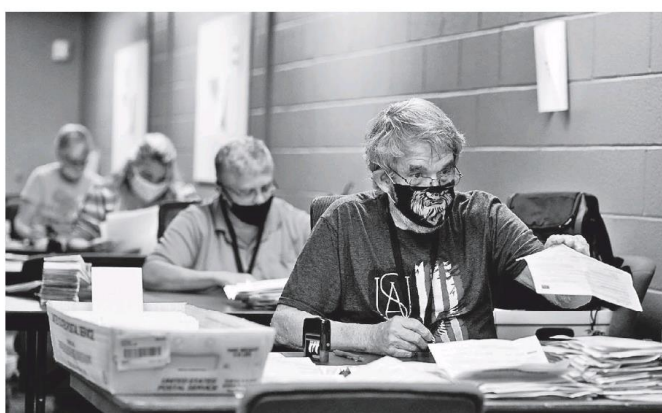
On Monday, the F.B.I. and the Homeland Security Department's Cybersecurity and Infrastructure Security Agency warned about foreign intelligence services and hackers spreading disinformation about voting systems to undermine confidence in the election.

Hackers have been spreading false information about compromised voting systems in an attempt to manipulate public opinion and cast doubt on the integrity of the election, according to the new warning.

Mr. Schiff predicted that if the presidential vote is close and counting, absentee ballots takes time, Russia and other foreign powers would most likely step up their disinformation campaigns, amplifying Mr. Trump's criticisms of mail-in votes and accusations of a rigged election.

The Russians will almost certainly emphasize the president's false charges and cause as much chaos in the American streets as they can," Mr. Schiff said.

Russia has denied — and mocked — American claims it is intervening in the election or using cyberattacks to influence the vote. In recent days it has been pushing for an international pro-



Sorting mail-in ballot requests in Olathe, Kan. Representative Adam B. Schiff saw an uptick in disinformation about voting by mail.

hibition on cyberattacks, without addressing its own role. On Monday, Russian officials highlighted a new article by Sergey V. Lavrov, the Russian foreign minister, that argued the world was facing "a real cyberpandemic," a rash of cyberattacks on health care, fiscal and education establishments.

The federal government, in its Monday warning, said the best way for Americans to insulate themselves from disinformation around the election is to seek information from trustworthy

sources and "view early, unverified claims with a healthy dose of skepticism."

Some cybersecurity experts have said that foreign actors may try to disrupt state and local websites around the election to try to restrict the flow of accurate information. Others security experts believe a wave of ransomware-style attacks on local governments could also amplify disinformation campaigns to sow doubt about voting systems.

"I am not sure the direct attacks

will be so widespread that they can directly affect a specific vote on any widespread basis," said Karl Sigler, a senior security research manager with Trustwave, a cybersecurity company. "But the damage to public trust is a hard thing to get back."

Because voting is done on a local level, the election infrastructure is resilient, and it would be extraordinarily difficult for a foreign attacker to hack enough local governments to change the results of state or national elections.

But eroding confidence in the election does not require Russia or another foreign power to change a single vote. Mr. Schiff said it was far easier for adversaries to cause "Americans to doubt that they can rely on the results of the election."

They don't actually need to change the votes, they just need to diminish voters' confidence that the votes are accurate," Mr. Schiff said. "The Russians have concluded it is easier to change the voters than the vote."

## Project Veritas Releases Misleading Video, Part of What Experts Call a Coordinated Effort

By MAGGIE ASTOR

A deceptive video released on Sunday by the conservative activist James O'Keefe, which claimed through unidentified sources and with no verifiable evidence that Representative Ilhan Omar's campaign had collected ballots illegally, was probably part of a coordinated disinformation effort, according to researchers at Stanford University.

Mr. O'Keefe and his group, Project Veritas, appear to have made an abrupt decision to release the video sooner than planned after The New York Times published a sweeping investigation of President Trump's taxes, the researchers said. They also noted that the timing and metadata of a Twitter post in which Mr. Trump's son shared the video suggested that he might have known about it in advance.

Project Veritas had hyped the video on social media for several days before publishing it. In posts amplified by other prominent con-

servative accounts, Mr. O'Keefe teased what he said was evidence of voter fraud, urged people to sign up at "ballot-harvesting.com" to receive the supposed evidence when it came out. (None of the material in the video actually proved voter fraud.)

Mr. O'Keefe's promotional posts had said the video would be released on Monday, but Project Veritas released it on Sunday instead, a few hours after the publication of The Times's investigation. The Stanford researchers concluded that this timing was unlikely to be a coincidence "given the huge marketing about a 9/28 release date," they wrote in an analysis that Alex Stamos, who led the research team at the Stanford Internet Observatory, shared with The Times.

"It's a great example of what a coordinated disinformation campaign looks like: pre-seeding the ground and then simultaneously hitting from a bunch of different accounts at once," Mr. Stamos said.

Many of the same accounts that had shared promotional tweets about the video as soon as it was released, moving it quickly into Twitter's trending topics alongside The Times's tax investigation.

Roughly an hour after The Times published its article, Mike Lindell, chief executive of MyPillow and honorary chairman of Mr. Trump's Minnesota campaign, tweeted a video of himself saying that Project Veritas's supposed exposé would be released that night at 9 p.m. Eastern time.

"I just met James O'Keefe of Project Veritas, and James showed me footage of systematic voter fraud," Mr. Lindell said. He did not respond to a request for comment on Tuesday.

Mr. O'Keefe posted the video on Twitter at 9 p.m. on the day, and the president's son Donald Trump Jr. tweeted it just seven minutes later, two minutes after that, the president's "war room" account retweeted him, and the president himself soon began commenting.

Notably the video that the younger Mr. Trump posted did not have the "from James O'Keefe" label that appeared when other Twitter users shared the video uploaded by Mr. O'Keefe.

"This detail, along with video metadata demonstrating that the Donald Trump Jr. version of the

## Making claims without evidence of ballot harvesting.

video was separately uploaded and re-encoded by Twitter, indicates that the Trump campaign possibly had access to the video before the general public and raises questions of coordination," the Stanford researchers wrote, noting also that Mr. Trump posted the video on Facebook 10 minutes before Mr. O'Keefe posted it there.

Asked for comment, the Trump campaign said that Donald Trump Jr. had shared the video with people who were not part of the campaign. It did not comment on Mr. Lindell's post or on the timing of the video's release, and a spokesman for the younger Mr. Trump did not respond to a request for comment.

The video contains footage of a man, identified as Liban Mohamed, showing off ballots he says he has collected for a Minneapolis City Council candidate — something that, depending on when the video was filmed, may not have been illegal, because a district court judge in July temporarily suspended Minnesota's ban on third parties collecting and returning large numbers of completed ballots. Mr. Mohamed was not working for Ms. Omar.

The video then claims that Democratic operatives connected to Ms. Omar's campaign paid voters to hand over blank mail-in ballots and filled them out. This

would be illegal, but the allegations come solely from unnamed people who said video Project Veritas operatives in the video and whose faces are not shown.

On Monday, the Minneapolis Police Department said it was "looking into the validity" of the claims in the video, which a spokesman for Ms. Omar described as "a coordinated right wing effort to delegitimize a free and fair election."

Mr. O'Keefe and Project Veritas have a long history of releasing manipulated or selectively edited footage purporting to show illegal conduct by Democrats and liberal groups.

The Stanford researchers reported the video to multiple social media platforms. Facebook added a link to its "voting information center" to one upload of the video but placed no notice on the original upload. Twitter, YouTube and Reddit took no action. TikTok was the only platform that removed all uploads of the video.

Project Veritas has a history of releasing manipulated or selectively edited footage purporting to show illegal conduct by Democrats and liberal groups.